AND REBATES.

MOODY'S COURSE UPHELD.

President's Letters in Atchison Case -M'r. Morton's Statement,

(F. OX THE TRIBUNE IUREAU.)
Washington June 21.—The President has may'e public all the facts in the controversy has for some time existed between At-Judson, retained as special counsel in the rebate the gov ernment against the Atchison, he re signation of the special coun-Messrs, Juc son and Harmon maintained that the Depart ne nt of Justice should authorize them to prosecute Paul Morton, Secretary of the Navy, because as vice-president of the Santa incurred a responsibility for the granting of the illegal rebetes which are the ocsion of the government's suit, even if such rebates were not granted with his knowledge or

The President discusses this issue with characteristic frankne'ss and ch es his reasons for bestary of the Navy and congratulates the Equitable Life Assurance Company upon having sethe strongest terms i'll regard to the integrity and ability of Mr. Morton. His expressions of confidence in him are contained in two letters, one addressed to the Attorney General and the

The letters were made public to-day by the administration, together with a number of others, between the I tepartment of Justice rs. Harmon and Judson, the special The special countsel wished to bring intempt proceedings again ist the officers of the on was that the testimony adduced road, and the only way to ascertain

Attorney General Moody opposed bringing the proceedings, on the ground that while velt took the same view. Both the President Attorney General agreed that contempt ngs should be instituted impersonally the corporations in both the Colorado Fuel and the International Harvester cases. the same footing and involves pracall of the Western roads.

General, dated February 28 East, in which was iven a review of the testimony in the Colorado Fuel case before the Interstate Commerce Commission, with the conclusion that a violation of the injunction has been shown. In part the let-

From August, 1902, until December, 1904, the railway company (referring to the Santa Fé) continuously transported coal for the Colorado Fuel and Iron Company at less than the published rates then in force from various points in Colorado and elsewhere, to El Paso, Tex.; Demling, N. M., and other places to which such transportation was interstate commerce. This was orado and elsewhere, to El Paso, Tex.; Deming, N. M., and other places to which such transportation was interstate commerce. This was some by secret arrangement between the two companies under which the coal was apparently billed at the published rate of freight, although, in fact, the price of the coal was included. The railroad company collected the amount shown by the billing and paid over part of it to the fuel company as the price of the coal, making the real charge for transportation less than the published rate by just that amount. At the same time the rates given and charged other shippers were the published tariff rates without any deduction. This plan and the way it was carried out plifnly indicate an intention to deceive the government and the public and to enable the fuel company to gain a monopoly of the coal supply at the points involved by giving them a strong advantage over competitors in the actual cost of transportation. The motive for thus favoring the fuel company does not appear in the evidence thus far taken, but the fact is clear.

The letter recited that only one of the chief officers of either company had been called as a ness, and that no immunity from presecution could be claimed by any of the other officers of either company. No papers had been submitted by the fuel company, and consequently no im-munity could be claimed for it. Certain papers had been submitted by the railroad company, but only such as are by law made public, consequently no immunity claim would stand thereby. Messrs. Harmon and Judson proceeded to recommend that officers and agents, perhaps including some subordinate officers and agents, be arraigned for contempt of court in making and carrying out

In replying to this letter on March 8 Attorney General Moody expressed satisfaction with the progress made in the investigation, and concluded with the statement that upon its completion he would confer with the counsel regarding

FURTHER INVESTIGATION MADE.

The special counsel continued the investigation, and on March 20 again addressed the Attorney

We beg to say that we have made informal investigations which confirm our previous reports. We can go no further without the use of process to secure formal evidence and other proof, and therefore again recommend contempt proceedings and the taking of testimony before the master appointed for that purpose in the case pending in the United States Circuit Court at Kansas City. We have no doubt that the laws have been violated by the truffic officers of the Atchlson, Topeka and Sama Fé Railroad Company and those of the Colorado Fuel and Iron Company. The former have by the same acts violated the injunction in that case. The formal proof required to punish them for contempt of court and also criminally, if it shall be thought best to do that, too, can be had only by judicial process. This is ready to our hands in the above named case. The proof elicited before the master will also be available for criminal proceedings against the Colorado Fuel and Iron Company and its officers and agents.

As we have said, we can go no further, and need go no further, with informal investigations. We are convinced that the facts are as we have stated them, and it only remains to put the proof in legal form.

We ber, therefore, that this be considered our We beg to say that we have made informal in-

tiself. If the transactions set forth in the report of the interstate Commerce Commission in regard to the departure from the published rates by the Atchison, Topeka and Santa Fe Railway system in favor of the Colorado Fuel and Iron Company are within the terms of the injunction, the evidence before the commission shows with sufficient clearness that that injunction has been wiolated and the railroad company has been guilty of contempt of court.

The letter in reply to this contains the resigna tions of Messrs. Harmon and Judson on June 5.

We have received and carefully considered your letter of the 19th ult., and regret that you do not approve our recommendation of Rebruary 28 last, which we repeated with further reasons in our letter of April 11. We appreciate the very great weight to be given your conclusion, but we are deeply impressed with the gravity of the matter and its importance as a precedent. We feel, therefore, that we may, without impropriety, refer to some things in your letter.

It is true that the report of the Interstate Commerce Commission merely stated the facts which show that the law had been violated, without attempting to fix the responsibility on any particular officers of the railroad company. The reason for this was that the commission limited its inquiry to the mere fact of such violation, and so stated.

acts forbidden were not done as well as not to do them.

The necessity of this rule is apparent, as well as its justice. The facts are peculiarly within the knowledge of such officers and of subordinates under their control. Except in cases so rare that they may be called accidental, there are no means of discovering the facts except by such a proceeding as we have advised.

This well established rule, which is sufficient to justify the action proposed in any case, seemed and still seems to us peculiarly to fit the case in hand. A rule against the controlling officers of the railroad company to show cause is simply the recognition by the court of the responsibility incident to their official relation. It is a derivand for an explanation, and not, properly speaking, an "accusation." The action of the corporation is necessarily presumptive evidence against its principal officers who had charge of the department in question.

We fally concur that no proceeding should be commenced without evidence, but facts presumed or judicially noticed are evidence. The proceeding we recommend is not unusual or exceptional, but, on the contrary, is the natural and ordinary one in such cases.

What we have said is peculiarly true of the great

will be obeyed.

Your opinion always commands great respect, which is by no means due to a sur office alone, and we appreciate the deep sense to official responsibility which you express. But the nature and circumstances of our appointment in some a certain independent responsibility upon us which we feel would not be met by a proceeding against the corporation alone.

We therefore consider that we have

tion alone.

We, therefore, consider that we have now discharged the duty which you did us the honor to intrust to us, and, thanking you most sincerely for your constant courtesy and consideration, we remain, very respectfully,

JUDSON HARMON,

FREDERICK N. JUDSON.

The resignations were accepted by the Attorney General, in a letter to the counsel dated June 13. In this letter Mr. Moody says:

In this letter Mr. Moody says:

I regret your conclusion, but, not doubting that you have arrived at it after great consideration, inspired by a sense of your dury. I must accept it. I was impressed with the fact that the investigation of the subject made by the Interstate Commerce Commission, while doubtless adequate for its purposes, was insufficient for the purposes of the Pepartment of Justice. To what extent shipments of coal under the rate not published were subject to the control of the federal government and within the provisions of the Interstate Commerce law was not made at all clear by the report of the commission. Moreover, having especial reference to the restrainling order of the Circuit Court of Missour, that report leaves it quite uncertain what if any of such transportation was between the States, the restrainling order being by its terms directed against transportation "between the States." Still further, the report of the commission and the testimony taken before it are silent as to individual responsibility or culpability, dealing, as you say, with "facts which show that the law had been violated without attempting to fix responsibility on any perticular officers of the railroad company."

I had hoped that you would find it practicable to elicit further and more specific information, at least in the respects above mentioned, before determining upon the character of the proceedings to be taken for the vindication of the law. I have believed that this information should precede action, and that action should be based upon it, rather than upon inferences to be drawn from the commission's report or the presumed responsibility dot the officers of a corporation for its acts.

acts.

I fully appreciate the weight of the reasons which, though they have not convinced me, have led you to a contrary conclusion. In accepting your resignations, permit me to assure you of my high personal regard. Very respectfully.

W. H. MOODY, Attorney General.

PRESIDENT APPROVES ACTION.

In a letter to the President, under date of June in which is reiterated his views that proceedings ing railroad company, but not against its officers.

President Rooseveit upholds this view in a reply under date of June 12, as follows:

precomplied that the facts are as we have stated from the proof in legal to the proof in

There is, of course, no possible excuse for discriminating one case from the other. WITHOUT MR. MORTON'S KNOWLEDGE,

There is, of course, no possible excuse for discriminating one case from the other.

WITHOUT MR. MORTON'S KNOWLEDGE.

You advise me to direct the submission of the printed evidence taken by the Interstate Commerce Commission (the only evidence before the special counsel) to Judge Phillips, who had issued the fright of the course in which there is not a syllable directly evidence, in which there is not a syllable directly evidence, in which there is not a syllable directly evidence, in which there is not a syllable directly evidence, in which there is not a syllable directly evidence, in which there is not a syllable directly evidence, in which there is not a syllable directly evidence, in the management of the proach and the course in the management of the proach and the evidence in the instance, and, we could not follow it save on condition of also following it in the case of the Harvester company, and in all similar cases—which in my judgment, would put us in a wholly unforted the position. Second, I have received from M will see that Mr. Morton not only state of the most unequivocal minure of the property. In the most unequivocal minure of the property of the will be evidence to the property of the course that such unlawful practices were specifically forbidden by him, and that the attention of his subordinates was repeatedly called to the necessity of complying with the law in this respective that the submitted shows explicitly that he are the course that you have followed in dealing with all these corporation matters has been coherent and resolute, and has had my heartlest approval. The aim of the administration has been, in the first place, to stop the unlawful practices. We have not proceeded personally against any of the officers unless there was legal syldence showing that the ronder it our duty to try in an end to the objection. The view of the administration brought the Northern Securities conduct had been will not be administration at that time was that such a proceeding would be unjust to the men c

straint.
You have expressed your doubt as to whether the injunction granted is in sufficiently explicit terms to cover either the case of the Atchison, Topeka and Santa Fé or the similar case of the international Harvester Company. I agree, however, with your feeling that even though there is such doubt, an effort should be made to obtain the judgment of the court on the question. Sincerely yours, THEODORE ROOSEVELT. The Hon, Williamt H. Moody, Attorney General. MORTON REVIEWS THE CASE.

In a letter to President Roosewelt, dated June

their own to coal properties willch they might obtain, unless lower prices were made on the coal and coke that they were receiving at El Paso and Deming. These same people were making all sorts of experiments with fuel oil, with the idea of substituting it altogether, if possible, for coal, and they did it with such good effect that in part they did substitute oil for coal, thereby cutting down the amount of coal consumed. All of these things, taken in connection with the undoubted financial ability of the people interested to build additional railroads and develop either coal or oil fields, menaced a traffic worth nearly a million dollars a year to the Atchison system; and solely for the protection of the railroad, so far as its officers were concerned, an understanding was entered into between the railroad, the Colorado Fuel Company and the El Paso and Southwestern people, the terms of which were:

First-The Colorado Fuel Company was to supply the coal at a very low price at the mines in Colorado, Si lb a ton. This is all it received for the coal, and there was nothing additional paid it in the way of a rebate or otherwise.

Second-The railroad company was to haul the coal at a very low rate to El Paso and Deming, the rate being £36 a ton. This was in reality a division of a rate, not usually published.

Third-The El Paso and Southwestern people were to receive and pay for the coal £465 a ton at El Paso and Deming, and it was to be used by the railroad itself and the industries along its line. The tariff covering this arrangement was published, so as to show the freight rate to be £465 a ton, instead of the delivered price at El Paso and Deming, and did not separate the freight rate from the coal at the was secured to the Atchison rails, and after that, details were left to subordinates. Thousands of tariffs are published every year.

When this arrangement was entered into the Colorado Fuel Company owned, operated or controlled, as selling agent, all the coal properties on the Atchison line in Colorado from t

other parties interested in the contract. The following year, or in 1902, the injunctions were 'issued,
I suppose it was not known to you, certainly not
to the public generally, that it was the testimony
which I gave before the Interstate Commicroe Commission on the practices of Wostern railroads, so
far as grain, dressed beef and provisions arrangements were concerned, that made it possible to
secure the injunctions. You can confirm this by
asking Chairman Knapp of the Interstate Commerce Commission or Judge Day, who was at that
time the special counsel for the commission. Without my evidence it is quite unlikely that the injunctions could have been obtained. I was anxious
to see all the Western railroads prevented from
doing things I knew were irregular and calculated
to do the railroads, as well as the public generally,
great injustice. I was aware of the fact that the
practices about which I testified were general, and
they either had to be stopped in some way or they
would certainly have grown a great deal worse.

TO COMPLY WITH INJUNCTION.

TO COMPLY WITH INJUNCTION. When the injunction order was issued by the court, positive instructions were given by me verbally to my subordinates to comply in every respect with its terms. These instructions were saued to everybody concerned, in writing, and are a matter of record, as is my correspondence on the subject, all of which will confirm what I

> RIOS ASKED TO FORM A CABINET. Madrid; June 21.-King Alfonso to-day charged General Montero Rios, the former President of the Spanish Senate, to form a new Cabinet, in place of the Villaverde Ministry, which resigned

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Solid Silver Table Forks. \$12.00 to \$23.00 (set of 6)
Solid Silver Table Forks. \$12.00 to \$23.00 (set of 6)
Solid Silver Collee Spoons. \$8.00 to \$16.00 (per doz.)
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ENGRAVING FREE, SPECIAL INSCRIPTIONS
E AT VERY MODERATE CHARGES
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YOU are invited to visit this the most uniquely beautiful Jewelry House in the U. S. Catalog 5000 Engravings malled free to out-of-town buyers on request.

about decent railroad practices. I have always been opposed to rebates and all kinds of "graft" in the business, and I do not believe there is another railroad officer in the Western country who has tried to be fairer in his relations to the public or more fearless in denouncing and trying to prevent the evils and abuses of railroad management. At the same time, I have been just as insistent in demanding that the railroads should have fair play.

Great injustice has also been done the management of the Atchison road in this matter. No railroad in the Western country has more clearly recognized the rights of the public or more definitely declared itself at all times in favor of fair trade relations, and no railway in the West has made more of an effort carefully to observe the requirements of the law, Very respectfully.

PAUL MORTON.

PRESIDENT APPROVES MORTON'S COURSE, The correspondence concluded with the following

The correspondence concluded with the following reply from the President to Mr. Morton:

June 12, 1995.

My Dear Mr. Morton: I have received your letter of the 5th inst., in reference to your own action concerning the rebates which the Interstate Commerce Commission have found to have been granted by the Atchison, Topeka and Santa Fe Raliroad to the Colorado Fuel Campany at the time you were vice-president of the raliroad. Not a shred of testimony, so far as I know, has been presented from any source, whether by the Interstate Commerce Commission or by the special counsel employed by the Department of Justice, which personally implicates you in granting these rebates. In your letter you show not only that you were ignorant of the existence of such rebates, but that you had taken every possible step to see that neither in this case nor in any other were any rebates granted, and you quote documents which show that your subordinates were repeatedly and explicitly warned to obey the law as regards these rebates, as well as in all other respects. With this showing on your part, and in view of the fact that, as I have said, not a shred of testimony has been produced against you need pay any further heed to the accusations that have been rade against you. I do not myself need any corroboration of any statement you make, but if I did need it, it would be furnished by the boldness and frankness with which over three years ago, and before any of the proceedings with which we are now dealing took place, you testified to the entire truth in connection with the taking of rebates from the raliroads, and it is deeply discreditable that this testimony should not only now be quoted against you, but with shameless perversion of the truth should be quoted as having been which we are now dealing took place, you testified to the entire truth in connection with the taking of rebates from the railroads, and it is deeply discreditable that this testimony should not only now be quoted against you, but with shameless perversion of the truth should be quoted as having been given by you in this case. At the time when you gave, this testimony the Interstate Commerce law in the matter of rebates was practically a dead letter. Every railroad man admitted privately that he had paid no heed whatever to it, and the Interstate Commerce Commission had shown itself absolutely powerless to secure this heed. When I took up the matter and endeavored to enforce obedience to the law on the part of the railroads in the question of rebates. I encountered violent opposition from the great bulk of the railroad men, and a refusal by all of those to whom I spoke to testify in public to the very state of affairs which they freely admitted in private. You alone stated that you would do all in your power to break up this system of giving rebates; that you strongly objected to it; but that as long as the law was a dead letter the railroads which preferred to obey it were forced to disobey it if they were to continue in business at all, under the competition of their less scrupulous fellows. I agreed with you cordially that the only way in which it would be possible to secure the enforcement of the law would be by making it effective against all railroads alike, as if some were allowed to violate it in necessarily meant that the others in self-protection would be driven to violate it also; and I cannot too heartly commend the fearless and frank way in which you (and you alone) came forward and in the interest of the government and the public gave legal evidence of the facts which every one in interest privately admitted to exist, but which the Interstate Commerce Commission had previously been unable legally to establish. It was primarily due to this testimony of yours that we were able to put so nearly effect

whose destree to do full justice and to have it done could likewise be trusted.

WHY CHOSEN FOR CABINET.

When a vacancy occurred in the Navy Department I made up my mind that I wished you in my Cabinet—where, permit me to reiterate, you have shown yourself to be one of the most faithful and devoted public servants with whom it has ever been my good fortune to be connected. You came in at my urgent request and in spite of your natural reluctance to accept the very heavy financial loss in which taking the position of Secretary of the Navy necessarily involved you. I certainly would not shield you because you are in my Cabinet; but equally certain I shall not sanction an attack upon you which I would not dream of sanctioning if you had not become a member of my Cabinet.

Since I accepted your resignation as a member of my Cabinet you have undertaken perhaps the greatest and most important work now open to any business man, in assuming control of the Equitable Life Assurance Society. You do not need to be told again the confidence I have in you and my belief in your absolute sincerity of purpose and your unflinching courage. I know that the mete fact that you have consented thus to take control of the society means that there will be a genuine attempt to make a new, clean management, a control really and nonestly in the litterest of the policyholders and one which will make impossible the crooked and objectionable practices that have hitherto prevailed in the society. Ex-President Cleveland, in comenting to act as one of the three trustees to hold the stock of the society and to use the voting power of such stock in the selection of directors, concludes his letter by saying: "We shall be safer if we regain our old habit of looking at the appropriating to personal uses of property and interests held if, trust in the same light as other forms of stealing." In other words, you and Mr. Cleveland intend to see that the affairs of the society are managed not merely with the honesty requisite in order to keep clear of cr WHY CHOSEN FOR CABINET.

DUTY IN EQUITABLE LIFE.

I do not congratulate you upon entering upon this work, for I do not wish to congratulate any man when he puts his harness on, but rather to wait until he takes it off. But I do wish to express to you not only my belief in you and in your success, but my strong feeling that you have undertaken one of the most important public duties that can befall any man just at present. The scandal which has been so deplorable for the Equitable Life Assurance Society has also had effects far beyond the society itself. Not only is it lamentable to think of the condition of the hundreds of thousands of poor people all over the country who have had their confidence shaken in the provision which they have made for their families and for their old age by putting the savings of years in this society, but the loss of confidence thereby created affects the whole insurance business of the country and weakens that great tendency for the promotion of thrift and providence. Your success in your new position will mean not only a great achievement for you, but a great achievement for the American public. In business conditions as they are to-day the head of one of these great insurance societies should be regarded as just as emphatically a public servant as if he were occupying any office through the direct yote of the people. He should be held to the same strict accountability if he goes wrong, and he is entitled to the same meed of praise if by doing his duty fearlessly, honestly and intelligently he increases the stability of the business world, raises its moral tone and puts a premium upon those habits of thrift and saving which are so essential to the welfare of the people as a body.

Incidentally, it seems to me that what has occurred furnishes another argument for effective supervision can be obtained over all these great insurance corporations which do an interstate business.

With earnest good wishes, faithfully yours. DUTY IN EQUITABLE LIFE.

ess.
With earnest good wishes, faithfully yours,
THEODORE ROOSEVELT.

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During the next few weeks we offer the most tempting inducements, in exchanging your old piano player—any make, any style, any condition if in actual use—for a brand-new ANGELUS.

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If you have an old player-of ANY make-that rattles when you play it that has squeaky bellows, that works hard, or that fails to give the expression to the music that you.desire, NOW is the time to exchange it to the best advantage-

For a Superb NEW ANGELUS "The Human Touch"

The marvelous instrument that responds to every shade of feeling, that phrases so beautifully, that brings out the melody so clearly—the only piane player that ever succeeded in making a jury of musicians believe that the playing was done by hand. They could not tell when the Angelus ceased and the pianist

The ANGELUS was the first-piano-player ever made-all others were copies from it-the Patent Office will prove that absolutely. Today it is still preeminent, because the same genius that invented it is still adding constant improvements that are marvels to the musical world. All its imitators are a year or more behind the wonderful New Model of the ANGELUS now being demonstrated, and which we wish to get into the homes of New York and vicinage, instead of the old models, which while still better than the imitations, are not to be compared with the superb New Angelus of Today.

Special Inducements for Exchange-with the easiest terms of payment of balance of price Specially EASY TERMS for those who have no plano

player at all (Come to the Store, if youscan. If not convenient to do so, write us telling what instrument you have, and its condition. IN ANY CASE, do not fail to learn all about this midsummer opportunity which could only occur in an otherwise dull season. It may mean more to you than you think.

SPECIAL DEMONSTRATIONS EVERY DAY

Popular and Classic music played with the Angelus— Duets—one plane played by Mr. Ferdinand Himmelreich, the other with the An-

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Also informal Recitals during the day on the Austin Pipe Organ.

A few of the beautiful, new EMERSON-ANGELUS PIANOS are now here, though they are being sold more rapidly than we can get them from the factory. The "Sweet-voiced" Emerson, with an Angelus inside of it—a superb combination Up-right Plano that anyone can play, \$700. But they'll be sold quickly—we're almost afraid to announce them, for fear of disappointing many, hence this brief word of afraid to announce them.

Men's Straw Hats

The Wanamaker Hat Store offers you the broadest selection to be found in New York City. You find here, not the styles of one or two manufacturers, but a representative collection of all the best varieties brought out this season from all best sources. Styles and proportions for young, middle-aged and elderly men of every size and taste.

Sennit Straw Hats, at \$1.50, \$2, \$2.50 and \$3. Split Straw Hats, at \$1.50, \$2, \$2.50, \$3, \$4 and \$5. Mackinaw Straw Hats, at \$1.50, \$2 and \$3.

Also a fine collection of Panama Hats, carefully made, correctly blocked and hand-somely trimmed, of full, \$10 value, at \$5 each. Second floor, Ninth street.

Men's English Cutaway Frock Suits, Under-Price

These handsome suits have been the most popular of all semi-dress garments for men this season. Made of handsome medium gray diagonal plaids and worsteds, with English cut-away frock coats, tailored in the handsomest manner.

Today we are ready to close out this stock for the season, and the suits are marked at five to ten dollars less than their regular values, as follows:

Eighteen Suits that were \$25, now at \$20. Twenty Suits that were \$28, now at \$20. Eight silk-lined Suits that were \$35, now at \$25. Second floor, Fourth avenue.

Women's Fine Linen Suits At a Saving

Simple—the charm is in the faultless tailoring, the shapely grace. Of fine, true, dependable, rich-looking linen. A few embroidered. The high quality shows.

70 Linen Suits at \$7.50, Yesterday \$12 to \$18 40 Linen Suits at \$12, Yesterday \$18.50 to \$27.50 In white and colors.

Matching Sets of Muslin Underwear A White Sale Triumph

Who loves daintiness, loves these. No woman of taste will fail to say so. The low White Sale prices are low because of the White Sale only. At the higher markings they ought to bear, it would be hard to find such exquisite workmanship and beauty. At \$9-Of nainsook; nightgown, chemise and drawers; trimmed with German Valen-ciennes lace and embroidered medallions. At \$2.85-Of nainsook; nightgown, chemise and drawers; trimmed with lace

and insertion. At \$10—Of nainsook; nightgown, corset cover and drawers; trimmed with blind em-broidery and Valenciennes lace and inser-At \$3.35-Of nainsook; nightgown, chemise and drawers; trimmed with Valenciennes lace and insertion and ribbon.

At \$12—Of nainsook; nightgown, chemise and drawers; elaborately trimmed with German Valenciennes lace, insertion and At \$7-Of nainsook; nightgown, chemise and drawers; elaborately trimmed with ribbons.

As to the great White Sale itself, the wonder-making offerings continue: Chemises, 85c to \$5. Nightgowns, 50c to \$18. Second floor, Tenth street.

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lace, insertion and ribbon.

Corset Covers, 85c to \$6.

Long Petticoats, 75c to \$25.